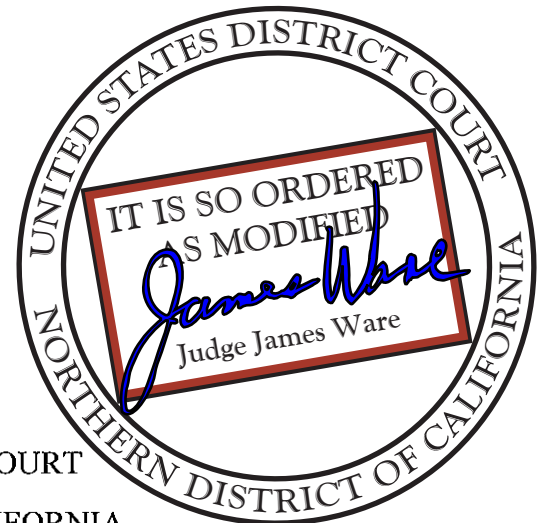


JAMES MCMANIS, State Bar No. 40958
MICHAEL REEDY, State Bar No. 161002
MCMANIS FAULKNER
50 W. San Fernando St., Tenth Floor
San Jose, CA 95113
Telephone: (408) 279-8700
Telecopy: (408) 279-3244
Email: jmcmanis@mcmanislaw.com
mreedy@mcmanislaw.com

Attorneys for the Plaintiffs

[Additional counsel appear on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(San Jose Division)



SARAH PEREZ;
MICHELLE LACKNEY;
RACHEL STEWART;
RACHEL HARDYCK

CASE NO. CO6-1962 PVT

on behalf of themselves
and all others similarly situated;

Plaintiffs,

v.

STATE FARM MUTUAL AUTOMOBILE
an Illinois corporation;

ALLSTATE INDEMNITY CO., an Illinois
corporation;

GEICO GENERAL INSURANCE, a Maryland
corporation;

CERTIFIED AUTOMOTIVE PARTS ASS'N
doing business in Washington, D.C.;

LIBERTY MUTUAL FIRE INS. CO., a
Massachusetts corporation; and

UN-NAMED INSURANCE CONSPIRATORS

Defendants.

**STIPULATION AND PROPOSED
ORDER RELATING TO
SCHEDULING OF MOTIONS
TO DISMISS**

1 In light of the United States Court of Appeals for the Ninth Circuit's reversal and remand of
2 this Court's dismissal with prejudice of this action, the parties stipulate to and jointly submit a
3 proposed briefing and hearing schedule for three additional motions to dismiss to be filed by
4 Defendants, prior to the submission of a Joint Case Management Statement, and ask that the Court
5 enter the proposed Order attached hereto.

6
7 **STIPULATION RELATING TO SCHEDULING OF DEFENDANTS'
CONTEMPLATED MOTIONS TO DISMISS**

8 THE PARTIES, THROUGH THEIR COUNSEL, HEREBY STIPULATE AS FOLLOWS:

9 Defendants will re-submit briefing on whether the action is barred because the California
10 Insurance Code provides the exclusive mechanism for establishing and challenging insurance rates
11 in the State of California.

12 Further, Defendants will contend that the Second Amended Complaint does not plead
13 sufficient evidentiary facts under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).

14 Finally, the CAPA Defendant also seeks to be dismissed for lack of personal jurisdiction.

15 Plaintiffs intend to oppose the above motions. Plaintiffs have not pressed now for the
16 submission of a Joint Case Management Statement with the understanding that (1) the Defendants
17 do not oppose the expeditious briefing of the above motions as set forth below, and (2) the parties
18 will submit a Joint Case Management Statement and Proposed Order at the end of the briefing of the
19 Defendants' dismissal motions.

PROPOSED BRIEFING SCHEDULE

Defendants File Dismissal Motions On or Before: May 15, 2009

Plaintiffs File Responses On or Before: June 5, 2009

Defendants File Replies On or Before: **June 12, 2009**

**Parties Submit Joint Case Management Statement
On or Before:** June 19, 2009

The hearing on Defendants' anticipated Motions to Dismiss is set for **June 29, 2009 at 9 a.m.**

The Court will conduct a Case Management Conference at 10 a.m. following the hearing on the
Motions.

1 Dated: April 28, 2009

2 **By** //S//
3 **On Behalf of All Plaintiffs**

4 James McManis
5 State Bar No. 40958
6 Michael Reedy
7 State Bar No. 161002
8 McManis Faulkner
9 50 W. San Fernando St.
10 San Jose, CA 95113
11 Telephone: (408) 279-8700
12 Telecopy: (408) 279-3244
13 jmcmanis@mfmlaw.com

14 R. Stephen Berry
15 D.C. Bar No. 234815
16 Gregory Baruch
17 D.C. Bar No. 420137
18 Berry & Baruch
19 1717 Pennsylvania Ave. NW
20 Suite 450
21 Washington, DC 20006
22 Telephone: (202) 296-3020
23 Telecopy: (202) 296-3038
24 sberry@berry-leftwich.com

25 Steven F. Benz
26 D.C. Bar No. 428026
27 Kellogg, Huber, Hansen, Todd, Evans
28 & Figel PLLC
1615 M St., N.W.
Suite 400
Washington, D.C. 20036
Telephone: (202) 326-7900
Telecopy: (202) 326-7999
sbenz@khhte.com

Colleen Duffy-Smith
State Bar No. 161163
Morgan Duffy-Smith & Tidalgo LLP
1960 The Alameda, Suite 220
San Jose, CA 95124
Telephone: (408) 244-4570
Telecopy: (408) 423-8830
cduffysmith@mdstlaw.com

Counsel for Plaintiffs

By //S//
On Behalf of All Defendants

Raoul Kennedy
Skadden, Arps, Slate, Meagher & Flom LLP
Four Embarcadero Center, Suite 3800
San Francisco, CA 94111
Telephone: 415-984-6450
rkennedy@skadden.com

Phillip Leider
Skadden, Arps, Slate, Meagher & Flom LLP
Four Embarcadero Center, Suite 3800
San Francisco, CA 94111
Telephone: 415-984-6471
pleider@skadden.com

Richard L. Fenton
Sonnenschein, Nath & Rosenthal LLP
233 S. Wacker Drive
8000 Sears Tower
Chicago, IL 60606
Telephone: 312-876-3170
rfenton@sonnenschein.com

Steven H. Frankel
Bonnie Lau
Sonnenschein, Nath & Rosenthal LLP
525 Market Street, 26th Floor
San Francisco, CA 94105
Telephone: 415-882-2410
sfrankel@sonnenschein.com
blau@sonnenschein.com

Robert J. Gibson
Snell & Wilmer
600 Anton Blvd., Ste 1400
Costa Mesa, CA 92626
Telephone: 714-427-7001
hgibson@swlaw.com

Sheila Carmody
Snell & Wilmer
One Arizona Center
Phoenix, AZ 85004
Telephone: 602-382-6268
scarmody@swlaw.com

1 Mike Kenny
2 Cari Dawson
3 Alston & Bird
4 One Atlantic Center
5 1201 W. Peachtree Street
6 Atlanta, GA 30309
7 Telephone: 404-881-7179
8 mkenny@alston.com
9 cdawson@alston.com

6 Simon M. Kann
7 2026 Mendon Avenue
8 Rancho Palos Verdes, CA 90275
9 simonkann@gmail.com

9 Carol A. Rutter (Admitted *Pro Hac Vice*)
10 Mark G. Arnold (Admitted *Pro Hac Vice*)
11 Husch & Eppenger LLC
12 190 Carondelet Plaza, Suite 6090
13 St. Louis, MO 63105
14 Telephone: 314-480-1500
15 Facsimile: 314-480-1505
16 carol.rutter@Husch.com
17 mark.arnold@Husch.com

14 David A. DeGroot, Ca. Bar No. 168073
15 Sheppard, Mullin, Richter & Hampton, LLP
16 Four Embarcadero Center, 17th Floor
17 San Francisco, CA 94111-4106
18 Telephone: 415-434-9100
19 Facsimile: 415-434-3947
20 ddegroot@sheppardmullin.com

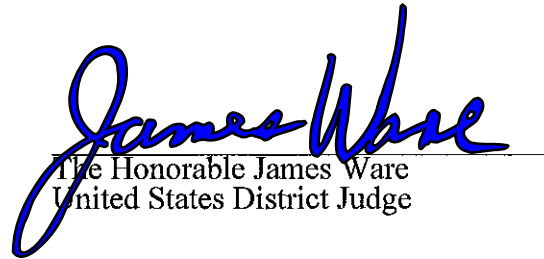
18 Frank Falzetta, Ca. Bar No. 125146
19 Sheppard, Mullin, Richter & Hampton, LLP
20 333 South Hope Street, 48th Floor
21 Los Angeles, CA 90071
22 Telephone: 213-617-4194
23 Facsimile: 213-620-1398
24 ffalzetta@sheppardmullin.com

25 *Counsel for Defendants*

**ORDER RELATING TO SCHEDULING OF
DEFENDANTS' MOTIONS TO DISMISS**

PURSUANT TO STIPULATION, IT IS SO ORDERED as MODIFIED.

DATE: May 12, 2009



The Honorable James Ware
United States District Judge

CERTIFICATE OF SERVICE

R. Stephen Berry certifies that he has served the foregoing Stipulation for Scheduling of Defendants' Motions to Dismiss and Proposed Order on counsel of record through the Court's electronic filing system.

//S//
R. Stephen Berry